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# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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**Committee against Torture**

## Concluding observations on the third periodic report of Lithuania

**Addendum**

## Information received from Lithuania on follow-up to the concluding observations*

[Date received: 9 June 2015]

### Follow-up information relating to paragraph 10 of the concluding observations

#### Fundamental legal safeguards

1. Since May 2014, the Lithuanian authorities have taken substantial measures to further guarantee that all detained persons are afforded, by law and in practice, all fundamental legal safeguards from the outset of deprivation of liberty. In particular, the list of explicit procedural rights of the suspect has been expanded and it now includes also the rights to receive translation and interpretation, to have consular authorities and one other person notified, to receive immediate medical assistance. Further to this, the revised forms of the procedural documents were approved by the Prosecutor General and they include, inter alia, the "Letter of Rights", which is handed down to the suspect in a language he or she understands.

2. Article 21(4) of the Code of Criminal Procedure (hereinafter referred to as the CCP) states that the suspect has the right: to know the charges; to have defence counsel from the moment of provisional arrest or first inquiry; to receive translation and interpretation; to have consular authorities and one other person notified; to receive urgent medical assistance; to know the maximum period of time, for how many hours (days) his liberty may be restricted until trial; to testify or to remain silent;[1] to provide documents and items

* The present document is being issued without formal editing.

[1] The rights to receive translation and interpretation; to have consular authorities and one other person notified; to receive urgent medical assistance; to know the maximum period of time, for how many

relevant to investigation; make requests; to challenge; to have access to pre-trial investigation material; to appeal against actions or decisions of a pre-trial investigation officer, prosecutor or a pre-trial investigation judge.

3. Article 45 of the CCP establishes a positive duty of the pre-trial investigation officer, the prosecutor and the court to inform the parties to the proceedings about their procedural rights and to ensure a possibility for them to exercise these rights.

4. Article 140 of the CCP deals with the grounds and procedures of the provisional arrest (up to 48 hours). In particular, paragraph 6 of the said article states that following his delivery to the pre-trial investigation institution or the prosecutor's office, within not later than 24 hours the provisionally arrested person must be questioned as the suspect following performance of the acts specified in Article 187 of the CCP. Article 187 of the CCP regulates service of the notification of suspicion. The said Article provides that before the first questioning the suspect must be served, against his signature, with the notification of suspicion or the prosecutor's decision to recognise the person as the suspect. The notification of suspicion must specify the criminal offence (place, time, other circumstances of commission of the offence), the criminal law, which defines the said criminal offence, as well as the rights of the suspect.

5. By the order No. I-288, adopted on 29 December 2014, the Prosecutor General approved the revised forms of the procedural documents. Among them there are several new forms, such as the Record of notification of rights of the suspect, the Annex to the Record of notification of rights of the suspect (the "Letter of Rights"), the Record of the notification to have a counsel of defence. It shall be noted that under Article 16(2) of the Law on the Public Prosecutor's Service the recommendations and other regulatory enactments approved by the Prosecutor General, forming the practice of supervision of pre-trial investigation, public prosecution, and enforcement of sentences shall be binding on prosecutors and pre-trial investigation officers.

6. The Record of notification of rights of the suspect states that the suspect has been advised of his/her rights as provided for in Article 21 (4) of the CCP and that the Annex to the Record of notification of rights of the suspect (the "Letter of Rights") was handed down to the suspect in Lithuanian and another language (the other language shall be noted specifically). The record of provisional arrest is signed by the suspect and his signature confirms that he was advised of the above-mentioned rights. The record is also signed by the interpreter, if the interpreter is called when the person does not understand Lithuanian language.

7. The Annex to the Record of notification of rights of the suspect, which is handed down in writing to the suspect, not only lists the rights available to the suspect under Article 21 (4) of the CCP, but also relevant additional details. It shall also be stressed that the order of the Prosecutor General includes not only the Lithuanian version of this annex, but also versions in English, French, German, Polish and Russian languages.

8. The English version of the Annex to the Record of notification of rights, approved by the Order of the Prosecutor General of the Republic of Lithuania No. I-288 of 29 December 2014, is provided below:

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hours (days) his liberty may be restricted until trial; to remain silent were added to this list by the Law No. XII-891 (entered into force as of 22 May 2015).

**Annex to the Record of notification of rights of the suspect**

As provided for in Article 21, paragraph 4, of the Code of Criminal Procedure of the Republic of Lithuania, the suspect shall have the following rights:

**1. The right to be informed about the suspicion**

The suspect shall have the right to be notified, urgently, thoroughly and in the language he/she speaks or understands, about the nature of and grounds for the suspicions brought against him/her.

The notification of suspicion, the decision to recognise the person as the suspect passed by a pre-trial investigation officer or a prosecutor, or the order to recognise the person as the suspect rendered by a pre-trial judge must specify the criminal offence (place, time and other circumstances of commission of the offence) and the criminal law, which defines the said criminal offence, as well as the rights of the suspect.

The new notification of suspicion must be served only if the essence of the suspicion has changed.

**2. The right of access to a lawyer from the moment of detention or first interrogation**

The suspect shall have the right to defend himself/herself in person or through a defence counsel of his/her own choice. This right shall be guaranteed from the moment of detention or first interrogation.

In the event the suspect does not have sufficient means to pay for legal assistance, he/she shall be provided it free of charge in accordance with the procedure laid down in the law regulating provision of legal aid guaranteed by the State.

The detained or arrested suspect shall have the right to meet his/her defence counsel in private. The number and duration of meetings between the suspect and his/her defence counsel shall not be limited during the working hours of temporary detention or arrest facilities.

**3. The right to interpretation and translation**

Criminal proceedings in the Republic of Lithuania are conducted in the state language.

The suspect, who does not speak or understand the Lithuanian language, shall have the right to make statements, bear testimony and give explanations, submit applications and complaints, and to speak in court using his/her native language or any other language that he/she speaks or understands. In all the above mentioned cases, including in the event of being granted access to the case material, the suspect shall have the right to be provided with interpretation services in the procedure laid down in the Code of Criminal Procedure.

The case documents, which must be served upon the suspect in the procedure laid down in laws, shall be translated into the native language of the suspect or into any other language that he/she speaks or understands.

**4. The right to have consular authorities and one person informed**

Following the detention or arrest of the suspect, the pre-trial investigation officer or the prosecutor, who has detained him/her, or the prosecutor who has attended the procedure of imposing arrest upon him/her must usually notify one of the family members or close relatives named by the suspect. If the suspect does not name any persons, but wishes that notification be given about his/her detention or arrest, the

pre-trial investigation officer or the prosecutor must notify, at his/her own discretion, one of the family members or close relatives of the suspect, if such a person is identified. If the suspect wishes to notify about his/her detention or arrest any other person, who is not the family member or the close relative, the pre-trial investigation officer or the prosecutor shall notify such a person only if, in the opinion of the pre-trial investigation officer or the prosecutor, this shall not prejudice the success of the pre-trial investigation.

The pre-trial investigation officer or the prosecutor may refuse to notify, if the suspect presents a well-reasoned explanation that such a notification may endanger safety of his/her family members, close relatives or any other person.

The suspect must be provided with a possibility to notify his/her family members or close relatives about his/her detention or arrest personally.

Following the detention or arrest of a foreign national, the pre-trial investigation officer or the prosecutor, who has detained him/her, or the prosecutor who has attended the procedure of imposing arrest upon him/her, shall immediately notify the Ministry of Foreign Affairs of the Republic of Lithuania and, if the detained or arrested suspect wishes, the diplomatic representation or consular authority of his/her state.

**5. The right of access to urgent medical assistance**

Restriction of the suspect's liberty or movement may not cause artificial barriers for the suspect to receive immediate medical assistance in the general procedure. Immediate medical assistance shall be provided irrespective of the suspect's nationality.

Immediate medical assistance shall be provided to the suspect, who is detained or held under arrest, in the procedure laid down in the legal acts, which regulate the activities of detention or arrest facilities.

**6. The right to know the maximum term (hours or days) that he/she may be deprived of liberty before being brought before a judicial authority**

The maximum term of temporary detention is 48 hours. This term shall be calculated from the moment of the actual detention of the person at the place of commission of the offence or at any other place.

The maximum term of detention is 18 months (12 months, when the suspect is a minor). The term of detention may be imposed and later extended for no longer than the period of 3 months.

The term of detention, when the case has been referred to court, shall not be limited.

**7. The right to testify or remain silent**

Making a testimony is the right, but not the obligation of the suspect. If the suspect decides to make a testimony he/she shall have the right not to answer certain specific questions.

**8. The right to submit documents and items relevant to the investigation**

The suspect shall have the right to submit, on his/her own initiative, the items and documents, which are relevant for the investigation or hearing of the case, to the pre-trial investigation officer, the prosecutor or the court, or, on the grounds laid down in the Code of Criminal Procedure, to file a request to the pre-trial investigation officer or the prosecutor and demand that such items and documents be obtained.

**9. The right to submit requests**

The suspect shall have the right to submit requests related with the pre-trial investigation to the pre-trial investigation officer, the prosecutor or the pre-trial judge. Such requests shall be examined, based on competence, in the procedure and within the terms laid down in the Code of Criminal Procedure and other legal acts.

**10. The right to challenge**

The suspect shall have the right to raise an objection to the pre-trial investigation officer, prosecutor, pre-trial judge, lawyer, assistant lawyer, translator/interpreter, expert and specialist on the ground and in the procedure laid down in the Code of Criminal Procedure.

The objection shall be made and reasoned in writing.

An objection to the translator/interpreter, expert or specialist shall be decided upon by a pre-trial investigation officer or prosecutor, who is conducting the pre-trial investigation. An objection to the pre-trial investigation officer shall be decided upon by a prosecutor. An objection to the prosecutor, lawyer and assistant lawyer shall be decided upon by a pre-trial judge. An objection to the pre-trial judge shall be decided upon by the Chairman of the District Court.

**11. The right to have access to the material of the pre-trial investigation**

At any time during the pre-trial investigation the suspect and his/her defence counsel shall have the right to have access to the data of the pre-trial investigation case, except the data of the parties to the proceedings, which are kept separately from the material of the pre-trial investigation case, and to make copies of or extracts from the material of the pre-trial investigation case.

A written request to have access to the material of the pre-trial investigation case or to make copies of or extracts from the material of the pre-trial investigation case shall be submitted to the prosecutor. The prosecutor shall have the right to disallow to have access to all the data of the pre-trial investigation case or any part thereof, and to disallow to make copies of or extracts from the material of the pre-trial investigation case, if the prosecutor believes that such access would be detrimental to the successful outcome of the pre-trial investigation.

The prosecutor may not disallow access to all the data of the pre-trial investigation case, when the pre-trial investigation is completed and the act of indictment is being drawn up.

If the suspect is held in custody, the right to have access to the data of the pre-trial investigation case and to make copies of or extracts from the material of the pre-trial investigation case shall be granted to his/her defence counsel, and in the event of waiver of the defence counsel – to the suspect.

While having access to the material of the pre-trial investigation case it shall be prohibited to make copies of the material of the pre-trial investigation case, wherein the data describe minor suspects and victims; private life of the parties to the proceedings; criminal acts against freedom of human sexual self-determination and inviolability; are entered in the records of procedural acts and the annexes thereof, when the information was obtained by applying the methods and means of collection of criminal intelligence information in accordance with the Republic of Lithuania Law on Criminal Intelligence or by performing covert acts of pre-trial investigation and the prosecutor has exercised the right to have access to the information in accordance with the Code of Criminal Procedure; when the information constitutes the state, service-related, professional or commercial secret. In such cases, making extracts from the material of the pre-trial investigation case shall also be prohibited.

**12. The right to appeal against the actions and decisions of the pre-trial investigation officer, the prosecutor or the pre-trial judge.**

The suspect shall have the right to appeal against the procedural actions and decisions of the pre-trial investigation officer to the prosecutor, who organises and leads the pre-trial investigation. If the prosecutor dismisses the appeal, his/her decision may be appealed against to a superior prosecutor, and the decision of the superior prosecutor may be appealed against to a pre-trial judge.

The suspect shall have the right to appeal against the procedural actions and decisions of the prosecutor to a superior prosecutor. If the superior prosecutor dismisses the appeal, his/her decision may be appealed against to a pre-trial judge.

The suspect shall have the right to appeal against the procedural actions and orders of the pre-trial judge, except the orders that are not subject to appeal, to a superior court in the procedure laid down in the Code of Criminal Procedure.

9. Article 10 of the CCP establishes the right of the suspected, the accused and the sentenced person to defence. This right is ensured from the moment of provisional arrest or the first inquiry. The court, the prosecutor, the investigating officer must ensure a possibility for the suspect, the accused and the sentenced person to defend against allegations and complaints within the means and ways established by law, and to take appropriate steps to ensure their personal and property rights.

10. Pursuant to Article 50 (1) of the CCP, the pre-trial investigation officer, the prosecutor and the court must advise the suspect and the accused of the right for obtaining a defence counsel from the moment of his arrest or first interrogation and must provide an opportunity for him to exercise this right, i.e. provide the actual possibilities to exercise the right to choose and call the defence counsel whom he trusts.

11. Such advice on the right to have a defence counsel is, inter alia, exercised by use of the written forms of the procedural documents approved by Prosecutor General (29 December 2014 order No. I-288), in particular, the Record of the notification to have a defence counsel, as well as, abovementioned "Letter of rights".

12. A record also must be drawn when the suspect or the accused requests a defence counsel or waives the right to have a defence counsel. The suspect's decision to have a defence counsel depends on his own will (Article 50 (2) of the CCP), however, the CCP provides a list of circumstances under which the presence of the defence counsel is mandatory despite the suspect's will to have a defence counsel (Article 51 of the CCP). When the suspect requests participation of the defence counsel and the presence of the defence counsel is not obligatory under Articles 50 and 51 of the CCP, such person is advised that he is entitled to find a defence counsel of his own choosing or may request state-guaranteed legal aid and he must be provided with the possibility to exercise such rights.

13. Detention during the pre-trial investigation and trial is among the instances where mandatory presence of the defence counsel is required under Article 51(1) (7) of the CCP. Therefore if the detained suspect or the accused has not arranged for the defence counsel or the defence counsel has not been arranged on behalf of the suspect or accused, at his consent or request, by other persons, the investigating officer, the prosecutor or the court must notify the authority responsible for state-guaranteed legal aid, or its authorised coordinator about the fact that the suspect, the accused and the sentenced person needs legal counsel and ask the authority to arrange for defence. Outside the working hours of the authority responsible for state-guaranteed legal aid, the pre-trial investigation officer, the prosecutor or the court appoint the defence counsel under the on-call list of lawyers made by the authority responsible for state-guaranteed legal aid to provide legal assistance in

criminal cases. The defence counsel must arrive within the time determined by the pre-trial investigation officer, the prosecutor or the court (Article 48(2) (2) of the CCP). In any case, at the request of the suspect the defence counsel must implement this duty within the reasonable period of time.

14. It shall be stressed that Lithuanian authorities give close attention to the implementation of the right to access to a defence counsel and institutions regularly exchange information on various practical or legal problems. For instance, Ministry of Justice by its 27 March 2015 letter No. (1.16)7R-2146 addressed the Council of Judges, National Court Administration and the Prosecutor's General Office with request to provide information, whether there are practical problems in assigning state guaranteed legal aid lawyers, as well, promoting active and close cooperation among the institutions when taking procedural decisions in respect of the suspects or the accused.

15. It was mentioned that the list of suspect's rights under Article 21(4) of the CCP was appended by the explicit right to have consular authorities and one other person notified on the arrest or detention of the person.

16. Article 128 of the CCP provides for that following the detention or arrest of the suspect, the pre-trial investigation officer or the prosecutor, who has detained him/her, or the prosecutor who has attended the procedure of imposing arrest upon him/her must notify one of the family members or close relatives named by the suspect. If the suspect does not name any persons, but wishes that notification be given about his/her detention or arrest, the pre-trial investigation officer or the prosecutor must notify, at his/her own discretion, one of the family members or close relatives of the suspect, if such a person is identified. If the suspect wishes to notify about his/her detention or arrest any other person, who is not the family member or the close relative, the pre-trial investigation officer or the prosecutor shall notify such a person, unless, in the opinion of the pre-trial investigation officer or the prosecutor, this may prejudice the success of the pre-trial investigation. The suspect must be provided with a possibility to notify his/her family members or close relatives about his/her detention or arrest personally.

17. A Record on the Provisional Arrest of a Suspect contains a paragraph where a name and a phone number of a family member, a close relative or any other person indicated by the arrested suspect to be notified about the arrest of the suspect is noted.

18. In addition, Article 8(7) of the Law on Detention provides for an imperative obligation by the administration of the remand prison to inform the detainee's spouse, cohabitant, or close relatives about his detention not later than the next day from detention.

19. Following the detention or arrest of a foreign national, the pre-trial investigation officer or the prosecutor, who has detained him/her, or the prosecutor who has attended the procedure of imposing arrest upon him/her, shall immediately notify the Ministry of Foreign Affairs of the Republic of Lithuania and, if the detained or arrested suspect wishes, the diplomatic representation or consular authority of his/her state.

20. Current health care legislation of the Republic of Lithuania provides its citizens, including those in custody, with a possibility of choosing an individual doctor. Article 45 of the Law on Detention states that persons kept in detention must be guaranteed the same quality and level of medical treatment as that for any other citizens in freedom. Each remand prison has its Health Care Service, which must ensure the delivery of outpatient health care services and emergency assistance around the clock. Secondary (specialist) level health care is delivered to detained and sentenced persons in Central Prison Hospital. Tertiary level health care services (which are beyond the prison hospital due to lack of competence or licenses) are delivered to detained and sentenced persons in public health care facilities to ensure the protection of detained and sentenced persons. Prisons and

remand prisons currently employ the total of 79 doctors and 145 nursing professionals, including 28 doctors and 49 nursing professionals who work at the Central Prison Hospital.

21. Article 45 of the Law on Detention has also been transposed to the Internal Rules of Territorial Police Custody, approved by Order of the Police Commissioner General of 29 May 2007. The existing legislation does not preclude a right to choose a doctor of their choice to any category of arrested persons.

## Follow-up information relating to paragraph 11 of the concluding observations

### Pre-trial and administrative detention

#### Regarding paragraph 11(a) of the concluding observations

22. According to Article 20 of the Constitution of the Republic of Lithuania, a person detained *in flagrante delicto* must, within 48 hours, be brought before a court for the purpose of deciding, in the presence of the detainee, on the validity of the detention. If the court does not adopt a decision to arrest the person, the detainee shall be released immediately.

23. This provision is detailed in Article 140 of the CCP, setting forth the grounds and procedure for a provisional arrest. Except case, where a person is detained *in flagrante delicto,* provisional arrest may only be applicable under these conditions: a) there are grounds and conditions for his/her detention under Article 122 of the CCP, and; b) it is necessary to detain him immediately to prevent commission of a new crime, his/her flight or negative impact on pre-trial investigation, and; c) it is not possible to address a court in a short period of time for his/her detention. Such provisional arrest shall last only in as long as it is necessary to establish his/her identity or to perform any other necessary procedural acts and in any case may not exceed 48 hours.

24. Pre-trial detention may be assigned only by court order and only under terms and conditions specified in Article 122 of the CCP. The term and its extension in pre-trial custody are regulated by Article 123 of the CCP. This article stipulates that detention cannot exceed six months. A specific length of detention is determined by the pre-trial judge in the detention ruling, but not longer than 3 months initially. The applicable extension of maximum six months may be granted by an investigating judge of the same or other district court. Where the case is complicated and large-scale, pre-trial detention may be extended to a maximum of three months by a district court judge. A repeated extension may be applied, but not exceeding eighteen months in total during the investigation period for adults, and twelve months for juveniles.

25. The CCP does not provide for maximum length of detention while in trial. When a case is referred to court, the extension of detention is in the hands of the court dealing with the specific case. If the court refers the case to the prosecutor, the length of detention may be extended by the court up to a maximum of three months.

26. Albeit these already strict conditions prescribed by the law, Lithuanian authorities take necessary measures to reduce further application of pre-trial detention and its duration.

27. Firstly, following the amendments to the CCP, made in 2013 by the Law No. XII-498, the use of intensive supervision (electronic monitoring) started to be applied since 1 January 2015. It is expected that gradually this brand new preventive measure will allow cutting down the number of detentions and its duration.

28. Secondly, draft amendments to the CCP aiming to reduce application of pre-trial detention were prepared by the Government and submitted to the Parliament (draft law No. XIIP-109). The draft law foresees shortening the maximum pre-trial detention time limits (in particular, for juveniles and for less serious crimes), strengthening conditions for application of pre-trial detention, strengthening the rights of defence in the procedure of imposition of pre-trial detention. The draft law is currently under consideration at the Parliamentary Committee for Legal Affairs.

29. Thirdly, the Law on Mutual Recognition and Execution of Judgments of the European Union Member States in Criminal Matters No. XII-1322 was passed by the Parliament on 13 November 2014. In particular, it foresees mechanism of mutual recognition of pre-trial supervision measures (alternatives to detention) between Lithuania and other EU Member States. It is expected that this would allow reducing gradually number of detentions imposed to foreigners.

30. As regards administrative detention for administrative offences, it is regulated by the Republic of Lithuania Code of Administrative Violations of Law. A person under administrative prosecution may be placed in administrative detention for no longer than 5 hours, with the exception of those cases when law provides for other terms of administrative detention when there is a particular need. A person under administrative prosecution for violations of the rules of crossing the border or of the rules concerning the operation of border control posts may be detained for up to 3 hours in order to prepare a report and up to 48 hours when it is necessary to establish their identity and ascertain the circumstances of the violation. Duration of administrative detention is calculated from the moment a person is brought in for filing a report, and in case of an intoxicated person, it is calculated from the moment that person sobers up.

31. Article 21 "Types of Administrative Penalties" of the Code of Administrative Violations of Law provides that an administrative arrest may be imposed for certain administrative violations of law. Article 336 of the Code of Administrative Violations of Law lays the police under the obligation to execute decisions on the administrative arrest. Under the provisions of the Security and Supervision Instructions for Detention Facilities of Territorial Police Establishments as approved by the Order of the Lithuanian Police Commissioner General No. 5-V-677 of 10 October 2012, persons punished with the administrative arrest are kept in detention facilities of police establishments. Persons arrested in the administrative procedure are kept in detention facilities of police establishments separately from other detained persons.

32. It should be noted that the draft of the new Code of Administrative Offences, aimed to recast the current Code of Administrative Violations of Law, is being discussed in the Parliament. The new Code will not provide for an administrative arrest sanction. It also proposes further tightening administrative detention terms and conditions. The draft Code is currently at the final stages of deliberation in the Parliament and it is expected that it will enter into force as of 1 April 2016.

**Regarding paragraph 11(b) of the concluding observations**

33. Since 1 January 2014, the Seimas Ombudsman Office exercises the functions of the national preventive mechanism under the OPCAT and visits the places of deprivation of liberty for preventive purposes on a regular basis. Socialization centres are among the places of monitoring.

34. In 2014, the Seimas Ombudsman Office has carried out a targeted inspection in 6 socialization centres with a view only to examine the procedure of placement into "relaxation rooms" and its material conditions. Certain failings and shortcomings were established. It was recommended that the use of the "relaxation rooms" shall be ceased or,

in case it is necessary to use them, they shall be equipped and used without violating children's rights.[2]

35. To this end, the Minister of Education and Science has established a working group with the goal of developing measures to improve the organisation of the activities of children socialization centres and ensure the quality of their work. The group is made up of Vice-Ministers of Health, Social Security and Labour, the Interior, Justice and Education and Science, as well as children's rights inspectors and representatives of the Association of Local Authorities in Lithuania. Among the tasks of the working group is the modification of the Description of the Children Socialization Centre Activity Model, adopted by the Minister of Education (hereinafter – the Description), as well as the question of disposing of the "relaxation rooms". The work is currently in progress.

36. Also a committee has been formed which is currently evaluating the Kaunas Children Socialization Centre's educational process, learning environment, compliancy with legal regulations, and management activities. The committee will present conclusions regarding improvement of the centre's future activities shortly.

37. Currently, "relaxation rooms" exist only at the Kaunas Children Socialization Centre and the Širvėna Children Socialization Centre and they are used according to the Description. The "relaxation rooms" in Vilnius and Vėliučionys Children Socialization Centres were closed down in early 2015.

38. Under the existing rules, when children arrive at the Kaunas Children Socialization Centre, they have to sign that they have been familiarised with the procedure for being sent to the "relaxation room". This familiarisation is repeated each year during the first days of September, when the teachers explain (remind) the children about the procedure and have them sign that they understand. The "relaxation room" is used only as a last resort, when all other measures of pedagogical influence have been exhausted and the child's actions pose a threat to the safety, health or life of the child and/or the people around him or her.

39. Each time a child is placed in the "relaxation room" at the Širvėna Children Socialization Centre, the situation is discussed by the Child Welfare Committee. Specialists' recommendations, proposals and decisions are recorded, and team work is organised with the student, i.e. the child receives counselling from a social educator and a psychologist, and individual help is provided by his or her teachers. The child's parents or guardians are informed about the measures taken and further changes.

40. The Ministry of Education and Science has undertaken to monitor continuously the activities of children socialization centres and to take all necessary measures to ensure that children's rights are not violated.

**Regarding paragraph 11(c) of the concluding observations**

41. Draft amendments on the Law on Detention, which, *inter alia*, aim at reducing the instances when detainees could be returned to police arrest houses and at shortening a maximum duration of such transfer, were approved by the Government on 23 April 2015 and they were submitted for adoption in the Parliament (draft Law No. XIIP-3022). The draft law foresees that once detention is imposed persons may be continued to be kept in police arrest houses before their transfer to remand prison only for performing of pre-trial investigation procedures, which cannot be done at remand prison. Maximum duration of such stay before transfer to remand prison is 15 days

[2] See full report (in Lithuanian): http://www.lrski.lt/images/dokumentai/2015-01-28_Vaiku_SOC_centrai.pdf.

**Regarding paragraph 11(d) of the concluding observations**

42. The above-mentioned draft Law No. XIIP-3022 foresees that detainees will be allowed to be transferred to police arrest houses only for pre-trial investigation procedures, which cannot be performed at remand prison, or for participation in court proceedings. Such transfer may be sanctioned only by a decision of prosecutor or a court (currently it is allowed also by a decision of pre-trial investigation officer). It is also proposed to shorten the maximum duration of such transfer from 15 days to 5 days.

43. It shall also be noted that since 1 January 2014 Code of Criminal Procedure has been supplemented with provisions on the possibility to use remote interrogation of the witnesses (arranged by videoconferences). Similar amendments in respect of suspects and accused persons are currently under consideration in the Parliament (draft Law No. XIIP-2485) and they are expected to be adopted before 1 July 2015. All remand prisons are already equipped with necessary videoconference technology. Once adopted, these amendments will allow reducing significantly the need to transfer detainees from remand prisons to police arrest houses for interrogation procedures or for participation in court proceedings.

**Regarding paragraph 11(e) of the concluding observations**

44. In 2014, the following relevant training sessions were provided to judges and assistants to judges:

| *Topic* | *Duration* | *Participants* |
|---|---|---|
| Activities of Lithuanian probation services today | 5 hours | 10 judges and 52 assistants |
| Mediation by a court in Lithuania and in foreign states | 2 hours | 79 judges and 8 assistants |
| Procedure of mediation by a court. Practical aspects of mediation | 3 hours | 79 judges and 8 assistants |
| Mediation by a court in family matters and international disputes in respect of children | 2 hours | 79 judges and 2 assistants |
| Problems of imposition of criminal penalties in court practice | 4 hours | 72 judges and 8 assistants |
| Problems relating to application of probation | 2 hours | 25 judges |

45. In addition to the information presented above, it is important to note that since 2012 due to important changes in Lithuanian criminal policy (such as adoption of the new Law on Probation, amendments to the Code of Criminal Procedure and the Criminal Code) there is a significant reduction of persons detained/imprisoned in remand/correctional institutions. The number of inmates in penitentiary institutions has decreased by 13% since 2012: from 8,573 inmates in penitentiary institutions in Lithuania on 1 January 2012 to 7,457 inmates on 1 June 2015. Also a significant decrease by 34% was registered in the number of the detainees in the remand prisons: from 1,118 detainees in remand prisons on 1 January 2012 to 732 on 1 June 2015.

46. We have strong reasons to believe that this downward trend will continue also in future due to long lasting effects of measures that have been taken already, as well as due to new measures that are currently being planned.

## Follow-up information relating to paragraph 19 of the concluding observations

### Conditions of detention in police arrest houses

47. The implementation of the Programme for Optimisation of the Activities of Police Detention Centres for 2009-2015 as approved by the Order of the Lithuanian Police Commissioner General No. 5-V-473 of 1 July 2009, began in 2009 and continues to be implemented.

48. When compared with the year 2009, the conditions of detention facilities of police establishments have improved considerably. Out of 46 police detention facilities which operated in 2009, there are 25 police detention facilities currently operating in the country. Those police detention facilities, which had the poorest conditions, were closed and certain other police detention facilities are repaired under the said programme. Repair works were performed in police detention facilities of Panevėžys County Police Headquarters, Švenčionys region Police Headquarters, Kelmė region Police Headquarters, Kėdainiai region Police Headquarters. Brand-new police detention facilities are being constructed in Klaipėda and Šiauliai County Police Headquarters; also new police detention facility of Vilnius County Police Headquarters is being planned.

49. Taking into account the European Committee's for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) recommendations, Vilnius County Police Headquarters stopped using cells Nos. 8, 9, 10 and 11 at the detention facility as of 1 January 2013.

50. Since 21 October 2013, the Requirements for Safety and Maintenance of Detention Facilities of Territorial Police Establishments, approved by the order of the Lithuanian Police Commissioner General, specify that the area of cells adapted for short-term keeping of persons at the detention facilities of police establishments may not be less than 2 $m^2$.

51. It shall also be recalled that the draft of the new Code of Administrative Offences does not provide for an administrative arrest sanction. While this new development is primarily designed to strengthen the rights and liberties of a person, it will also help reducing the number of persons kept in detention facilities of police establishments.